



FOR YOUR INFORMATION

City of Cincinnati

Date: January 28, 2004

To: Mayor and Members of City Council
From: Valerie A. Lemmie, City Manager *V. Lemmie*
Subject: **AIR QUALITY – TITLE X ORDINANCE**

Background: The Office of Environmental Management and the City's Air Quality Program (Title X Ordinance) were eliminated in the 2003 budget passed by City Council. During the course of 2003, numerous environmental groups have lobbied City Council to reinstate the Air Quality Program. On December 15, 2003, the Community Development, Education and Governmental Affairs Committee held an informational hearing to discuss strategies to improve the City's air quality. Attached, as requested, is the presentation Dr. Malcolm Adcock, gave at the December 15, 2003 Committee meeting. During the course of the Committee Meeting, numerous questions were raised regarding air quality in Cincinnati. This FYI memo addresses those questions and outlines a course of action for understanding the interests of the various stakeholders, developing options to address those interests, and recommending measures for implementation.

Current Status: Two questions were raised during the December 15, 2003 Committee Meeting. The text below responds to these questions. Questions are delineated in bold below with the corresponding answer following in italics:

What areas of the City have historically required the most vigorous air enforcement activities? *The communities of Lower Price Hill, Carthage, Pleasant Ridge, and Northside have historically required the most vigorous air enforcement.*

What areas produce the most air quality complaints? *The communities of Lower Price Hill, Winton Place, Pleasant Ridge, and North Avondale has filed the greatest numbers of air quality complaints.*

In addition, members of the Development, Education and Governmental Affairs Committee requested a hard copy of the presentation materials used by the Commissioner of Health during his presentation to the Committee and a Summary of OEM enforcement actions and collections in fees and fines. These will be included as attachments to this report.

Consensus Process: The Cincinnati Health Department has convened a group of interested stakeholders to explore strategies to improve local air quality. The group is currently meeting bi-weekly. The group membership will expand to accommodate all interested stakeholders. The goal is to present a consensus proposal to the Community Development, Education and

Governmental Affairs Committee regarding short and long-term recommendations to improve air quality in Cincinnati by the beginning of April 2004. Two options to reach this goal are currently being considered. They are: (a) Execute a contract between the Cincinnati Health Department and the Hamilton County Department of Environmental Services (HCDOES) to permit HCDOES to enforce State of Ohio Air codes within the City of Cincinnati and (b) Recommend to City Council the reinstatement of the Title X chapter of the Cincinnati Municipal Code (either as originally passed by City Council or with provisions and modifications proposed by University of Cincinnati Law Students) and the restoration of sufficient personnel and nonpersonnel funding to allow the Cincinnati Health Department to administer Title X in partnership with HCDOES.

Conclusions: Staff from the Cincinnati Health Department will keep the Community Development, Education and Governmental Affairs Committee apprised of progress toward reaching a consensus proposal.

Attachments:

1. Text of presentation by Dr. Adcock, Commissioner of Health to the Community Development, Education and Governmental Affairs Committee on December 15, 2003.
2. Summary of OEM enforcement actions and collections in fees and fines.

C: Malcolm P. Adcock, Ph.D.
Health Commissioner



CC2405

Transition of OEM Environmental Responsibilities

Presented to:

Community Development, Education and Intergovernmental Affairs Committee

Walter Handy, Ph.D.
Cincinnati Health Department

December 15, 2003

OEM Mission

OEM was responsible for: (a) fostering the City's compliance with environmental laws, (b) increasing public environmental awareness and (c) providing leadership in prevention and remediation of environmental problems.

OEM Elimination

On 12/18/02, City Council passed Ordinances that repealed the City's Air Regulations (Title X) and eliminated the Office of Environmental Management.

OEM Transition

- On April 3, 2003, The City Manager sent a memo to the Mayor and Members of Council regarding the transition of OEM responsibilities.
- The following slides indicate the disposition of the activities associated with air quality that were previously performed by OEM.

City Representation in Regional and National Environmental Activities

Activity:

Represent the City on the Greater Cincinnati/Northern Kentucky Regional Ozone Coalition

Designated Responsible Agency & New Contact Person:

Health, Kathy Clayton

Air Quality Activities

Activity:

Provide citizens with air sampling devices in areas of frequent air quality complaints and provide analysis of samples

Designated Responsible Agency & New Contact Person:

Contract with Hamilton County Department of Environmental Services (HCDES) for this service; HCDES continues OEM program with City residents – City provides \$8000 for sample analysis

Air Quality Activities

Activity:

Respond to citizen complaints related to air quality problems that do not constitute a violation of state and federal air regulations

Designated Responsible Agency & New Contact Person:

None – activity discontinued

Air Quality Activities

Activity:

Conduct quarterly stakeholder meetings with citizens, businesses, and other local agencies regarding air quality issues in the City

Designated Responsible Agency & New Contact Person:

None – City activity discontinued; HCDES increased their dissemination of air quality information.

Air Quality Activities

Activity:

Provide local enforcement for violations of state air regulations inside City limits

Designated Responsible Agency:

Health Department developing a Contract with HCDES for investigation and local enforcement under a resolution of the Board of Health. Without this delegated authority, such enforcement must go to OEPA for enforcement of air quality violations within City limits.

Air Quality Investigation and Enforcement Options Under Consideration

1. Cincinnati Board of Health (BOH) executing a contract with HCDES to allow local enforcement of state and federal air codes.
2. The Health Department is working with the Law Department to evaluate a community proposal for passage of a City Nuisance/Odor Ordinance.

Options (Continued)

3. If a local air quality nuisance/odor Ordinance is passed by City Council, the BOH could execute a contract with HCDES to both investigate nuisance complaints and then abate cited nuisances within the city limits.

Issues

- The Health Department does not currently have the funding or staff-time needed to carry out investigation or enforcement.
- Further analysis of the definition of a “nuisance odor” is necessary.
- Discussions are being held between CHD and HCDES to further explore these and other issues.

Questions?

Attachment # 2

Title X Actions

The Cincinnati Office of Environmental Management took approximately 40 enforcement actions pursuant to Title X of the Cincinnati Municipal Code, the Air Quality Ordinance, prior to its revocation. In a majority of the cases, the remedial actions and supplemental environmental projects required by the City's Findings and Orders go beyond the requirements specified in State and Federal air quality laws. The process improvements, control equipment, and emission reductions detailed below are examples of measures that likely would not have been implemented as quickly, if at all, without Title X.

Bodycote

- Discontinued use of an antiquated vapor degreaser

Cincinnati Bulk Terminals

- Installation of best available technology (e.g., a wheel wash and a tree buffer) to control particulate emissions and tracking from facility roadways

Cognis

- Implementation of a portable scrubber system to control odors when process lines become blocked and need to be cleared.

EEI

- Utilization of air monitoring equipment, and
- Installation of a scrubber that controls fugitive odors from all plant operations

General Casting

- Elimination of stack particulate emissions
- Urban forestry project for Northside

Givaudan

- Installation of thermal oxidizers to control odorous emissions on "grand fathered" processes

Monti

- Replacement of laser cutting machines with a water jet machine, and
- Urban forestry project for Carthage

MSD - Mill Creek Wastewater Treatment Plant

- Installation of four new scrubbers and a biofilter to control odorous emissions
- Utilization of additional air monitoring equipment
- Digesters taken out of service
- Development of a Citizen Advisory Panel
- Funding for the Lower Price Hill Air Toxics Monitor
- Urban forestry project for Lower Price Hill

MSD - Muddy Creek Wastewater Treatment Plant

- Chemical treatment of odors in the sludge dewatering process

Noveon (Hilton Davis)

- Identification of the source of “fishy” odor and implementation of a control system to eliminate this odor off-site

Queen City Barrel

- Reformulation of paints used
- Installation of state-of-the-art paint guns
- Reconfiguration of burner and air flow in certain paint drying ovens to reduce off-site odors
- Installation and improvement of various hooding systems to increase capture of emissions from the paint lines and the closed head drum washing operation
- Installation of a second scrubber controlling odorous emissions from the closed head drum washing operation
- Incorporation of locking systems that prevent processes from operating without control equipment
- Utilization of air monitoring equipment
- Conversion of drum storage lots to trailer lots
- Use of alternative fuel in on-site diesel-powered equipment

Willard

- Increase capture efficiency of odorous emissions
- Implementation of an environmental project for the Northside community

Penalties Assessed: \$235,000

- Approximately 80% of the penalties was assessed in the form of supplemental environmental projects such as those listed below

Environmental Benefits Fund Projects:

- Purchase of toxics air monitor for Lower Price Hill
- Air quality monitoring analysis
- Purchase of equipment for use during air quality complaint investigations
- Training of air quality complaint inspectors

Reviews of Title X:

- Citizen-Based Title X Task Force, 1998-1999
- City Council 2000
- Environmental Advisory Council 2001